

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, SEPTEMBER 13, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:37 a.m. The meeting was recessed by Mayor O'Connor at 11:53 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:07 p.m. with Council Members Henderson and McCarty not present. Deputy Mayor McColl adjourned the meeting at 5:24 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksmma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (eb,rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksmma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-310: NOTE AND FILE

Matter of the request of Rancho Bernardo Community Planning Board, by Clayton W. Morehead, for a hearing of an appeal

from the decision of the Planning Commission in granting an extension of time for Conditional Use Permit CUP-84-0178 for the Rancho Bernardo Performing Arts Center. The subject property, approximately 30 acres, is located on the west side of West Bernardo Road at the south side of Lake Hodges, in Zone A-1-10, in the Rancho Bernardo Community Plan area.

(CUP-88-0189. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM CUP-84-0178

COUNCIL ACTION: (Tape location: A014-053.)

MOTION BY WOLFSHEIMER TO NOTE AND FILE AS THE APPLICANT WITHDREW THE REQUEST. Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-311: DENIED HEARING

Matter of the request of Cleo E. Kearse, for a hearing of an appeal from the decision of the Planning Commission in upholding the Planning Director's decision in approving Southeast San Diego Development Permit SED-87-1047. The project would construct 54 apartment units consisting of 3 eight-unit structures and 5 six-unit structures with a children's play area on 1.9-acres, located at 1445 South 45th Street between Boston Avenue and I-805, in Zone MF-1500, in the Southeast San Diego Community Plan area. The subject property is further described as the northwest quarter of Lot 66 of Horton's Purchase, Map-283. (SED-87-1047. District-4.)

A motion granting or denying the request for a hearing of the appeal.

the Planning Commission. No oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on Tuesday, September 27, 1988, at 10:00 a.m.

FILE LOCATION: PERM SED-87-1047

COUNCIL ACTION: (Tape location: A053-074.)

MOTION BY PRATT TO DENY THE REQUEST FOR A HEARING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-330: CONTINUED TO SEPTEMBER 20, 1988, 10:00 A.M.

Rezoning a .25-acre parcel located on the northwest corner of Beyer Boulevard and Alaquinas Drive, in the San Ysidro Community Plan area, from Zone R1-5000 to Zone CA-RR. The subject property is further described as a portion of the south 331 feet of the northwest quarter of the southwest quarter of Section 36, Township 18 South, Range 2 West, S.B.B.M.

(Case-87-1072. District-8.)

Subitem-A: (R-89-49)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-1072 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-10)

Introduction of an Ordinance for CA-RR Zoning.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A124-272.)

Hearing began 10:47 a.m. and halted 10:59 a.m.

Testimony in favor by Victor Rodriguez.

Motion by Filner to deny the rezoning. No second.

MOTION BY FILNER TO CONTINUE ONE WEEK AND DIRECT THE PLANNING DEPARTMENT AND THE CITY ATTORNEY TO WORK ON AN AGREEMENT WITH THE DEVELOPER TO OBTAIN A PCD TO GO WITH THE ZONING. Second by

Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmay-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-89-) CONTINUED TO OCTOBER 4, 1988

In the matter of the request of Edward and Barbara Malone that the City of San Diego initiate a community plan amendment to redesignate an 8.57-acre site to allow 30-45 dwelling units per acre and to add 163 units to the Development Intensity Element for certain property within the University Community Plan area. The subject property is located on the east side of Genesee Avenue between Campus Point Drive and Fez Street.
(District-1.)

A motion granting or denying the initiation request.
If the amendment process is initiated, the proposed amendment will be subject to environmental review.

FILE LOCATION: LAND University Community Plan

COUNCIL ACTION: (Tape location: A277-B260.)

The hearing was closed.

MOTION BY ROBERTS TO CONTINUE FOR THREE WEEKS FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-332: CONTINUED TO OCTOBER 11, 1988, 10:00 A.M.

19880913

(Continued from the meeting of July 12, 1988, Item 345 and July 26, 1988, Item 334; last continued at Council Member Henderson's request, to allow time for the community to coordinate with Mr. Mosher and come back in 30 days with a progress report and a reasonable offer to acquire the site.)

Matter of the Historical Site Board's decision of denial of a demolition permit for 4 designated cottages located at 1241 and 1243 Coast Boulevard and 1260 and 1268 1/2 Prospect Street, Green Dragon Colony, Historical Site No. 84.

(District-1.)

Subitem-A: (R-88-2520)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0188 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-88-2519)

Adoption of a Resolution concurring in the action of the Historical Site Board in denying the issuance of a demolition permit.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B260-453.)

Hearing began 11:39 a.m. and halted 11:53 a.m.

MOTION BY WOLFSHEIMER TO GRANT THE 180-DAY DELAY REQUESTED BY

THE HISTORICAL SITE BOARD OF WHICH 41 DAYS REMAIN, AND CONTINUE THE ITEM FOR 30 DAYS FOR FURTHER REVIEW AND A STAFF REPORT ON THE PROGRESS OF THE NEGOTIATIONS. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ADDITIONAL BUSINESS: (R-89-727) ADOPTED AS RESOLUTION
R-272025

During consideration of the above regular business item, and by the same motion the following resolution was adopted.

Approving the 180-day delay requested by the Historical Site Board of which 41 days remain to complete negotiations with the Coastal Conservancy.

FILE LOCATION: Gen'l-Historical Site Board Decision & Appeals, etc

COUNCIL ACTION: (Tape location: B260-453.)

MOTION BY WOLFSHEIMER TO GRANT THE 180-DAY DELAY REQUESTED BY THE HISTORICAL SITE BOARD OF WHICH 41 DAYS REMAIN, AND CONTINUE THE ITEM FOR 30 DAYS FOR FURTHER REVIEW AND A REPORT FROM STAFF ON THE PROGRESS OF THE NEGOTIATIONS. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO SEPTEMBER 19, 1988,
3:30 P.M. TIME CERTAIN

Approval of proposed Levi-Cushman Development Agreement Case-86-0628 (RiverWalk), between the City of San Diego and Chevron Land and Development Company. The agreement would apply to approximately 200 acres in the Mission Valley community and would assure the owner that the property could be developed in conformance with Levi-Cushman Specific Plan and Mission Valley Community Plan for the 25-year term of the agreement. Additional provisions are included in the draft development agreement.

The subject property is located between Friars Road and Hotel Circle North on the west side of Fashion Valley Road and is further described as portions of Pueblo Lots 1103, 1104 and 1105; Lots 3 and 4, Reiners Subdivision and Parcel A, Ohmers Subdivision Map-5344. The specific legal description is on file in the City Planning Department. (Case-86-0628. District-5.)

Subitem-A: (R-89-446)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0563 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-89-37)

Introduction of an Ordinance authorizing the execution of the Levi-Cushman Development Agreement (RiverWalk) between the City of San Diego and Chevron Land and Development Company, Case-86-0628.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C506-E282.)

MOTION BY STRUIKSMA TO CONTINUE ITEMS 333, 334, S404, S405, S406, and S500 TO MONDAY, SEPTEMBER 19, 1988, 3:30 P.M. TIME CERTAIN. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: CONTINUED TO SEPTEMBER, 19, 1988,
3:30 P.M. TIME CERTAIN

Proposal to approve the Regency Hill Development Agreement between the City of San Diego and Barnett-Range-Harbrecht/Regency Hill Associates.

The proposed development agreement would apply to approximately 33.39 acres in the Tierrasanta community.

The development agreement would assure the owner that the property could be developed in conformance with the Tierrasanta Community Plan for the five-year term of the agreement. Additional provisions are included in the draft development agreement.

The subject property is located on the north side of Friars Road between Santo Road and I-15. A brief legal description is as follows: a portion of Lot 49, Rancho Mission of San Diego, S.C.C. 348 and Lots 2 and 5, Hilltop Subdivision, Map-9577. The specific legal description is on file in the City Planning Department.
(Case-88-0907. District-7.)

Subitem-A: (R-89-476)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-77-07-36, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-89-477)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-88-0478 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-C: (R-89-484)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-77-07-29, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-D: (O-89-43)

Introduction of an Ordinance approving the development agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C506-E282.)

MOTION BY STRUIKSMA TO CONTINUE ITEMS 333, 334, S404, S405, S406, and S500 TO MONDAY, SEPTEMBER 19, 1988, 3:30 P.M. TIME CERTAIN. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-88-2337) CONTINUED TO OCTOBER 10, 1988

(Continued from the meetings of June 6, 1988, Item 201, and July 26, 1988, Item 202; last continued at Council Member Struiksma's request, for further review.)
Declaring S & S Construction Company, formerly Shapell Industries, Inc., to be in default of the terms and conditions of the agreement filed in the office of the City Clerk on October 15, 1979, as Document No. RR-250363,

relating to the improvement of Mesa Del Sol; declaring that the City Attorney shall cause notice of this declaration of default to be given to S & S Construction Company, formerly Shapell Industries, Inc., and to SafeCo Insurance Company of America; authorizing the City Manager to complete, or cause to be completed, said work and improvements in accordance with the terms of the agreement.

(See City Manager Report CMR-88-268. Mira Mesa Community Area. District-5.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A094-107.)

MOTION BY STRUIKSMA TO CONTINUE TO OCTOBER 10, 1988, AT HIS REQUEST TO ALLOW DEVELOPER TO MAKE A PRESENTATION TO THE SUBDIVISION REVIEW BOARD. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (O-89-5) INTRODUCED AND ADOPTED AS ORDINANCE O-17138
(New Series)

Amending Ordinance No. O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-16916-1, by adding to the Fiscal Year 1988 Capital Improvements a new program CIP-39-108, entitled "Open Space Vernal Pool Preservation Acquisition"; directing the Auditor and Comptroller to increase the CIP program funding by appropriating and allocating the sum of \$750,000 in General Revenue Sharing Funds (18014) to the newly established CIP-39-108; authorizing the Auditor and Comptroller to expend the sum of \$750,000 in General Revenue Sharing Funds (10814) from CIP-39-108 and the sum of \$457,000 from the Vernal Pool Preservation Fund (10570) for said CIP Program.

(See City Manager Report CMR-88-249. North Mira Mesa Community Area. District-5.)

Aud. Cert. 8801132.

NOTE: See Item 202 on the docket for Monday, September 12, 1988 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A109-124.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 336, 337, AND 338. Second by STRUIKSMA. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (O-89-28) INTRODUCED AND ADOPTED AS ORDINANCE
O-17139 (New Series)

Amending Ordinance No. O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17122-1, as amended and adopted therein, by amending and adding to the personnel authorization of the Building Inspection Department (1300) one Senior Civil Engineer position; authorizing the Auditor and Comptroller to expend the sum of \$66,689 from the Building Inspection Enterprise Fund (41300) for the above position (allocating \$63,528 to personnel services and \$3,161 for non-personnel expenses), all related to review of geological investigations.

(See City Manager's Report CMR-88-342.)

COMMITTEE ACTION: Reviewed by PSS on 7/6/88. Recommendation to approve the City Manager's Report. Districts 3, 4, 6 and 7 voted yea. District 2 not present.

Aud. Cert. 8900055.

NOTE: See Item 151,

Subitem B, on the docket for Monday, September 12, 1988 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A109-124.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 336, 337, AND 338. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-338: (O-89-19) INTRODUCED AND ADOPTED AS ORDINANCE O-17140
(New Series)

Introduction and adoption of an Ordinance amending

Ordinance O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17122-1, as amended and adopted therein, by amending and adding to the personnel authorization of the Planning Department (065) Program Element 06532, one-quarter (0.25) Associate Planner position; authorizing the City Auditor and Comptroller to transfer the sum of \$11,403 within the General Fund 100 from the Unallocated Reserve (605) to the Planning Department (065) Program Element 06532, for the above position, allocating \$10,503 to personnel services and fringe benefits, and \$900 for non-personnel expenses, all related to administering the La Jolla Planned District Ordinance; authorizing the City Auditor and Comptroller to expend a sum not to exceed \$11,403 for the purpose of administering the La Jolla Planned District Ordinance.

(La Jolla Community Area. District-1.)

Aud. Cert. 8900127.

NOTE: See Item 204 on the docket of Monday, September 12, 1988 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A109-124.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 336, 337, AND 338. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339:

An amendment to the Scripps Miramar Ranch Community Plan to designate additional park acreage in this community. The amendment would specifically designate the following sites in the community as park land:

- 1) Alternative language to address twelve acres on the Fairbrook Elementary School site, south of Pomerado Road, for a neighborhood park if the site is determined to be unnecessary for a school;
- 2) Thirteen acres at the eastern end of Miramar Lake on Miramar Point for a neighborhood park (this site is currently designated for a community park);
- 3) Thirteen to twenty acres of the 70-acre secondary school

site, located between Scripps Ranch Boulevard and I-15, for a community park (thirteen acres if school and park facilities are shared - twenty acres if shared facilities are not possible);

4) Seventeen acres south of Pomerado Road in Carroll Canyon on the United States International University Campus for a resource-based park. In addition, the amendment redesignates a 4.5-acre site identified as a possible passive park in the County Island annexation area as improved open space, and corrects the Parks, Recreation and Open Space map and text to accurately reflect the classification of Hoyt Park West as improved open space and Aviary Park as a neighborhood park. The amendment will also incorporate into the plan two motions made by Councilman Struiksma, at a City Council hearing and approved by a vote of 7-1 on March 1, 1988. The motions are as follows:

a) "Before the Council were to take any action on increasing the size of Pomerado Road from two lanes to four lanes there first must be an advisory vote or referendum conducted by the City, at City expense, in the Scripps Ranch community."

b) "Upon the completion of the improvements on Pomerado Road by the project referred to as the County Island, Pomerado Road shall not be connected with the City of Poway until such time as the opening of Alternative 8A as a paved four-lane road occurs."

(District-1.)

19880913

Subitem-A: (R-88-2594) ADOPTED AS RESOLUTION R-271856

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0129 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88-2593 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-271857

Adoption of a Resolution amending the community plan.

FILE LOCATION: LAND - SCRIPPS MIRAMAR RANCH COMMUNITY PLAN

COUNCIL ACTION: (Tape location: E309-G340.)

Hearing began at 4:01 p.m. and halted at 5:22 p.m.

Mayor O'Connor left at 5:03 p.m.

Testimony in favor by Mr. Eckman, Oscar Simpson, Paul Spaulding, and Bob Dingman.

Testimony in opposition by Mr. Chandler, Mr. Savitch, Dr. Russ,

Charles Johnson, J. B. Ward, Robert Chaplain, and Donald Fish.

MOTION BY STRUIKSMA TO ADOPT AS AMENDED, APPROVING STAFF AND THE COMMUNITY PLANNING GROUP RECOMMENDATION, AND CONTINUING THAT PORTION

OF THE ITEM CONCERNING POMERADO ROAD AND THE UNITED STATES INTERNATIONAL UNIVERSITY SIGHT DESIGNATION TO OCTOBER 31, 1988. THE PLANNING DEPARTMENT IS TO WORK OUT A PROPOSAL AND REPORT BACK TO COUNCIL ON OCTOBER 31, 1988. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-340: (O-89-9) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 26, 1988

(Continued from the meeting of August 2, 1988, Item 336, at Council Member Wolfsheimer's request, to tour the site with the Planning Department.)

Rezoning various properties within Sorrento Valley, Los Penasquitos Lagoon, Los Penasquitos Canyon and Lopez Canyon from Zones A-1-1, A-1-10, R1-5000, R1-15000, R-3000, CA, CN, CO and M-1A to the Floodway (FW) Zone and the Floodplain Fringe (FPF) Overlay Zone. All of the proposed rezonings are located within the 100-year floodplain. Properties proposed to be zoned FPF will retain the existing underlying zoning designations. The proposed rezonings are designed to implement the City's Local Coastal Program Land Use Plan and to bring the City's zoning into conformance with the adopted community plans. The proposed rezonings have been approved "in concept" by the City Council and have been reviewed and approved by the California Coastal Commission.

The subject properties are located in an area generally bounded by North City West, Del Mar Heights and the City of Del Mar to the north, Penasquitos East and Mira Mesa to the east, University City to the south and Torrey Pines State Reserve and the Pacific Ocean to the west. The subject properties are located within the Torrey Pines, University, Mira Mesa and Penasquitos East Community Plan areas. In addition, a portion of the properties are located in the

City's Future Urbanizing Area.

(Case-88-0420. Districts-1 & 5.)

Introduction of an Ordinance for FW and FPF Zoning.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C036-554.)

Hearing began at 2:14 p.m. and halted at 2:59 p.m.

Testimony in opposition by Opal Trueblood, Alice Goodkins, Doug Perkins, Jessie La Grange, Mary Annino, and Bill Watson

Mayor O'Connor closed the hearing.

Motion by Filner to accept staff recommendation. Second by Henderson. No vote taken.

MOTION BY WOLFSHEIMER TO ACCEPT STAFF PROPOSAL WITH THE FOLLOWING CHANGE: THAT WITH REGARD TO THE PENASQUITOS LAGOON AREA, WHERE THERE ARE ACTUAL WETLANDS, THAT IT BE DESIGNATED "TIDAL ESTUARY WETLANDS." Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-89-641) ADOPTED AS RESOLUTION R-271858

19880913

In the matter of consideration of revisions or modifications to Council Policy 600-37, Guidelines and Standards for Development Agreements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C506-E282.)

MOTION BY STRUIKSMA TO APPROVE THE CITY ATTORNEY'S RECOMMENDED REVISION TO COUNCIL POLICY 600-37, SUBSTITUTING THE WORDS "PURPOSE AND INTENT" FOR "PROVISIONS." Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO CONTINUE ITEMS 333, 334, S404, S405, S406, and S500 TO MONDAY, SEPTEMBER 19, 1988, 3:30 P.M. TIME CERTAIN. Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO BRING FORWARD ALL 15 DEVELOPMENT AGREEMENTS TO BE HEARD BY COUNCIL ON SEPTEMBER 19 and 20, 1988.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Roberts-nay, McColl-yea, Pratt-nay, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor

O'Connor-nay.

ITEM-S404: CONTINUED TO SEPTEMBER 19, 1988,
3:30 P.M. TIME CERTAIN

(Continued from the meetings of September 6, 1988, Item 335 and September 13, 1988, Item S404; last continued at Council Member Struiksma's request, to review the development agreement language.)

Approval of the proposed Tierrasanta Norte Development Agreement between the City of San Diego and Tierrasanta Norte, a California partnership.

The proposed development agreement would apply to approximately 293 acres in the Tierrasanta community. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Tierrasanta Community Plan, Tentative Subdivision Maps TM-87-0749 thru TM-84-0754 and TM-85-0272; Planned Residential Development Permits PRD-84-0749 thru PRD-84-0754, PRD-85-0272 and PRD-85-0796, Rezone Case-84-0754, and the Tierrasanta Public Facilities Financing Plan for the 15-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located generally east of Santo Road and north of Clairemont Mesa Boulevard. A brief legal description is as follows: Parcels 2, 4, 5, 8, 9, 10, 12, 13 and 15, Parcel Map PM-14737, a portion of Parcels 2 and 3, Parcel Map PM-8547 and Final Map Nos. 10185, 10186 and 10187. The specific legal description is on file in the City Planning Department.

(Case-87-0976. District-7.)

Subitem-A: (R-89-434)

Adoption of a Resolution certifying that the information contained in Environmental Impact Reports EIR-84-0749 through EIR-84-0754, and EIR-85-0272, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said reports have been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-89-435)

Adoption of a Resolution certifying that the information contained in Addendum 88-0132 to Environmental Impact Report EIR-84-0750, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said addendum to report has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-C: (R-89-436)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0399, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-D: (O-89-35)

Introduction of an Ordinance adopting the development agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C506-E282.)

MOTION BY STRUIKSMA TO CONTINUE ITEMS 333, 334, S404, S405, S406, and S500 TO MONDAY, SEPTEMBER 19, 1988, 3:30 P.M. TIME CERTAIN.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: CONTINUED TO SEPTEMBER 19, 1988,
3:30 P.M. TIME CERTAIN

(Continued from the meetings of September 6, 1988, Item 337

and September 13, 1988, Item S405; last continued at Council Member Struik's request, to review the development agreement language.)

Approval of the proposed Scripps Sunburst Development Agreement between the City of San Diego and Sunburst Homes Company.

The proposed development agreement would apply to approximately 56.7 acres in the Scripps Miramar Ranch community. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Scripps Miramar Ranch Community Plan, Vesting Tentative Map VTM-87-0883, Planned Residential Development Permit PRD-87-0883 and the R1-6000, R-3000, R-2500, CN and HRO zones for the 20-year term of the agreement. Additional provisions are included in the draft development agreement. The property subject to the proposed development agreement is located on the north side of Pomerado Road east of the existing terminus of Fronsall Court. A brief legal description is as follows: The southwest quarter of the southwest quarter of Section 26, Township 14 South, Range 2 West, S.B.B.M. and a portion of the northwest quarter of Section 35, Township 14 South, Range 2 West, S.B.B.M. The specific legal description is on file in the City Planning Department.
(Case-88-0424. District-5.)

Subitem-A: (R-89-430)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0744, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of

overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-89-431)

Adoption of a Resolution certifying that the information contained in Addendum 87-0883, an addendum to Environmental Impact Report EIR-84-0744, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said addendum has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-C: (O-89-33)

Introduction of an Ordinance approving the development agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C506-E282.)

MOTION BY STRUIKSMA TO CONTINUE ITEMS 333, 334, S404, S405, S406, AND S500 TO MONDAY, SEPTEMBER 19, 1988, 3:30 P.M. TIME CERTAIN. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: CONTINUED TO SEPTEMBER 19, 1988,
3:30 P.M. TIME CERTAIN

(Continued from the meetings of September 6, 1988, Item 338 and September 13, 1988, Item S406; last continued at Council Member Struiksma's request, to review the development agreement language.)

Approval of the proposed Scripps Eastview Development Agreement between the City of San Diego and ITEC Properties.

The proposed development agreement would apply to approximately 114 acres in the Scripps Miramar Ranch community. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute

facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Scripps Miramar Ranch Community Plan, Vesting Tentative Map VTM-87-0884, Planned Residential Development Permit PRD-87-0884 and the A-1-1, R-3000, R1-6000 and HRO zones for the 20-year term of the agreement. Additional provisions are included in the draft development agreement. The property subject to the proposed development agreement is located south of the Poway City Limits on the north and westerly sides of Pomerado Road, opposite the intersection of Beeler Canyon Road. A brief legal description is as follows: The northwest quarter of the southwest quarter; portion of the northeast quarter of the southwest quarter; portion of the northwest quarter of the southeast quarter; portion of the southeast quarter of the southwest quarter and a portion of the southwest quarter of the northeast quarter, Section 26, Township 14 South, Range 2 West, S.B.B.M. The specific legal description is on file in the City Planning Department.
(Case-88-0423. District-5.)

Subitem-A: (R-89-432)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0744 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-89-433)

Adoption of a Resolution certifying that the information contained in Addendum 87-0884, an addendum to Environmental Impact Report EIR-84-0744 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to

California Public Resources Code Section 21081.

Subitem-C: (O-89-34)

Introduction of an Ordinance approving the development agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C506-E282)

MOTION BY STRUIKSMA TO CONTINUE ITEMS 333, 334, S404, S405, S406, and S500 TO MONDAY, SEPTEMBER 19, 1988, 3:30 P.M. TIME

CERTAIN. Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: CONTINUED TO SEPTEMBER 19, 1988,
3:30 P.M. TIME CERTAIN

(Continued from the meetings of September 6, 1988, Item 336, and September 13, 1988, Item S500; last continued at Council Member Struiksma's request, to review the development agreement language.)

Approval of the proposed Miramar Ranch North Development Agreement between the City of San Diego and BCE Development, Inc.

The proposed development agreement would apply to approximately 1,200 acres in the Miramar Ranch North community. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Miramar Ranch North Community Plan, and the Miramar Ranch North Public Facilities Financing Plan for the 20-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located generally east of I-15, southerly of Poway Road

and north of Miramar Lake. A brief legal description is as follows: Portions of Sections 20, 21, 27, 28, 29, 32 and 33, Township 14 South, Range 2 West, S.B.B.M. The specific legal description is on file in the City Planning Department.
(Case-87-0768. District-5.)

Subitem-A: (R-89-437)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0100 has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-89-36)

Introduction of an Ordinance approving the development agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C506-E282.)

MOTION BY STRUIKSMA TO CONTINUE ITEMS 333, 334, S404, S405, S406, and S500 TO MONDAY, SEPTEMBER 19, 1988, 3:30 P.M. TIME CERTAIN. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent the meeting was adjourned by Deputy Mayor McColl at 5:24 p.m.